

### REMARKS

Reconsideration of the rejections set forth in the Office action mailed October 4, 2004 is respectfully requested. Claims 1, 4-5 and 42-44 are currently under examination. Claims 6 and 13 are cancelled and claims 42-44 are added by this amendment.

#### I. Amendments

Independent claim 1 is amended to incorporate the subject matter of previous dependent claim 13; i.e., that the targeting sequence of the antisense morpholino oligomer has the sequence presented as SEQ ID NO: 47. In view of this amendment, the claim has also been amended to recite an oligomer length of "up to" 40 subunits, rather than 10 to 40 subunits, since SEQ ID NO: 47 itself is 20 subunits (bases) long.

Dependent claims 6 and 13 are cancelled in view of the above amendments.

New claims 42-44 recite decreasing lengths of the antisense oligomer, as supported by the specification at page 11, lines 5-6 of the specification. (While the specification recites "20 or fewer" at line 6, claim 44 recites simply "20" because SEQ ID NO: 47 itself is 20 subunits long.)

No new matter is added by the amendments.

Applicants reserve the right to pursue originally claimed subject matter in continuing applications.

#### II. Allowable Subject Matter

The Office Action, at page 12, stated that SEQ ID NO: 47 was free of the prior art searched and of record. The applicants assume that the subject matter of previous dependent claim 13, which recited that sequence, is thus considered free of the prior art. Applicants note that claim 13 was not included in the rejection under 35 U.S.C. §103(a), below.

#### III. Rejections under 35 U.S.C. §103(a)

Claims 1 and 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zyskind *et al.* (U.S. Patent No. 6,228,579) in view of McKay *et al.* (U.S. Patent No. 6,133,246), Summerton (*Biochim. Biophys. Acta* 1489:141-58, 1999), Hudziak *et al.* (*Antisense & Nucleic*

*Acid Drug Dev.* 6:267-72, 1996), Arnold, Jr. *et al.* (U.S. Patent No. 6,060,456), Rothbard *et al.* (U.S. Patent No. 6,495,663), and Cook (U.S. Patent No. 6,239,265).

As noted above, independent claim 1 has been amended to incorporate the subject matter of claim 13, which is not subject to this rejection and which recites a sequence found free of the prior art. Accordingly, the applicants assume that the rejection under section 103(a) is no longer applicable.

IV. Conclusion


In view of the foregoing, the applicant submits that the claims now pending are now in condition for allowance. A Notice of Allowance is, therefore, respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4403.

Respectfully submitted,

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